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DEBATE

e Senate of the United States on the bill further to provide for the collection of duties on ports.

MR. WEBSTER'S SPEECH.

On the 21st of January, 1833, Mr. kins, Chairman of the Judiciary mmittee, introduced the bill further provide for the collection of duties. On the 22d day of the same month, . Calhoun submitted the following olutions:

Resolved, That the people of the several es composing these United States are united parties to a constitutional compact, to which people of each State acceded, as a separate reign community, each binding itself by its particular ratification; and that the union, which the said compact is the bond, is a union *tween the States* ratifying the same.

Resolved, That the people of the several es, thus united by the constitutional compact, rming that instrument, and in creating a General Government to carry into effect the objects which they were formed, delegated to that ernment, for that purpose, certain definite wers, to be exercised jointly, reserving, at same time, each State to itself, the residuary s of powers, to be exercised by its own separate Government; and that, whenever the General Government assumes the exercise of powers delegated by the compact, its acts are unauthorized, and are of no effect; and that the same overnment is not made the final judge of the powers delegated to it, since that would make discretion, and not the constitution, the measure of its powers; but that, as in all other cases of compact among sovereign parties, without common judge, each has an equal right to judge for itself, as well of the infraction as of mode and measure of redress.

Resolved, That the assertions that the people of these United States, taken collectively as individuals, are now, or ever have been, united on the principle of the social compact, and as such are now formed into one nation or people, or that they have ever been so united in any one case of their political existence; that the people of the several States composing the Union have not, as members thereof, retained their sovereignty; that the allegiance of their citizens has been transferred to the General Government; that they have parted with the right of punishing treason through their respective State Governments; and that they have not the right of judging in the last resort as to the extent of the powers reserved, and of consequence of those delegated; are not only without foundation in truth, but are contrary to the most certain and plain historical facts, and the clearest deductions of reason; and that all exercise of power on the part of the General Government, or any of its departments, claiming authority from such erroneous assumptions, must of necessity be unconstitutional—must tend, directly and inevitably, to subvert the sovereignty of the States, to destroy the federal character of the Union, and to rear on its ruins a consolidated Government, without constitutional check or limitation, and which must necessarily terminate in the loss of liberty itself."

On Saturday, the 16th of February, r. Calhoun spoke in opposition to the l.

Mr. Webster followed him.

The gentleman from South Carolina, id Mr. Webster, has admonished us be mindful of the opinions of those o shall come after us. We must ke our chance, sir, as to the light in ich posterity will regard us. I do t decline its judgment, nor with ld myself from its scrutiny. Feel g that I am performing my public ty with singleness of heart, and to e best of my ability, I fearlessly st myself to the country, now and reafter, and leave both my motives d my character to its decision.

The gentleman has terminated his eech in a tone of threat and defiance wards this bill, even should it become law of the land, altogether unusual the halls of Congress. But I shall ot suffer myself to be excited into armth, by his denunciation of the easure which I support. Among the elings which at this moment fill my east, not the least is that of regret at e position in which the gentleman has aced himself. Sir, he does himself justice. The cause which he has poused finds no basis in the constitution—no succor from public sympathy no cheering from a patriotic community. He has no foothold on which to and, while he might display the powers of his acknowledged talents. Eve thing beneath his feet is hollow d treacherous. He is like a strong an struggling in a morass; every effort to extricate himself, only sinks m deeper and deeper. And I fear e resemblance may be carried still rther; I fear that no friend can safely me to his relief, that no one can approach near enough to hold out a help g hand, without danger of going own himself, also, into the bottomless epths of this Serbonian bog.

The honorable gentleman has declared that on the decision of the question, now in debate, may depend the cause of liberty itself. I am of the ame opinion; but then, sir, the liberty which I think is staked on the contest, is not political liberty, in any general nd undefined character, but our own, well understood, and long enjoyed *American* liberty.

Sir, I love liberty, no less ardently than the gentleman, in whatever form he may have appeared in the progress of human history. As exhibited in the master States of antiquity, as breaking out again from amidst the darkness of the middle ages, and beaming on the formation of new communities, in modern Europe, she has, always and every where, charms for me. Yet, sir, it is our own liberty, guarded by constitutions and secured by union; it is that liberty which is our paternal inheritance, it is our established, dearbought, peculiar American liberty to which I am chiefly devoted, and the cause of which I now mean, to the utmost of my power, to maintain and defend.

Mr. President, if I consider the constitutional question now before us as doubtful as it is important, and if I suppose that this decision, either in the Senate or by the country, was likely to be, in any degree, influenced, by the manner in which I might now discuss it, this would be to me a moment of deep solicitude. Such a moment has once existed. There has been a time, when, rising in this place, on the same question, I felt, I must confess, that something for good or evil to the constitution of the country might depend on an effort of mine. But circumstances are changed. Since that day, sir, the public opinion has become awakened to this great question; it has grasped it, it has reasoned upon it, as becomes an intelligent and patriotic community, and has settled it, or now seems in the progress of settling it, by an authority which none can disobey—the authority of the people themselves.

I shall not, Mr. President, follow the gentleman, step by step, through the course of his speech. Much of what he has said, he has deemed necessary to the just explanation and defence of his own political character and conduct. On this, I shall offer no comment. Much, too, has consisted of philosophical remark upon the general nature of political liberty, and the history of free institutions; and of other topics, so general in their nature, as to possess, in my opinion, only a remote bearing on the immediate subject of this debate.

But the gentleman's speech, made some days ago, upon introducing his resolutions, those resolutions themselves, and parts of the speech now just concluded, may probably be justly regarded as containing the whole South Carolina doctrine. That doctrine it is my purpose now to examine, and to compare it with the constitution of the United States. I shall not consent, sir, to make any new constitution, or to establish another form of Government. I will not undertake to say what a constitution for these United States ought to be. That question the people have decided for themselves, and I shall take the instrument as they have established it, and shall endeavor to maintain it, in its plain sense and meaning, against opinions and notions which, in my judgment, threaten its subversion.

The resolutions introduced by the gentleman were apparently drawn up with care, and brought forward upon deliberation. I shall not be in danger, therefore, of misunderstanding him, or those who agree with him, if I proceed at once to these resolutions, and consider them as an authentic statement of those opinions, upon the great constitutional question, by which the recent proceedings in South Carolina are attempted to be justified.

These resolutions are three in number.

The third seems intended to enumerate, and to deny, the several opinions expressed in the President's proclamation, respecting the nature and powers of this Government. Of this third resolution, I propose, at present, to take no particular notice.

The two first resolutions of the honorable member affirm these propositions, viz.

1. That the political system, under which we live, and under which Congress is now assembled, is a *compact*, to which the people of the several States, as separate and sovereign communities, are *the parties*.

2. That these sovereign parties have a right to judge, each for itself, of any alleged violation of the constitution by Congress; and, in case of such violation, to choose, each for itself, its own mode and measure of redress.

It is true, sir, that the honorable member calls this a "*constitutional*" compact; but still he affirms it to be a compact *between sovereign States*.—What precise meaning, then, does he attach to the term *constitutional*?—When applied to compacts between sovereign States, the term constitutional affixes to that word *compact* no definite idea. Were we to hear of a *constitutional* league or treaty between England and France, or a *constitutional* convention between Austria and Russia, we should not understand what could be intended by such a league, such a treaty, or such a convention.—In these connexions, the word is void of all meaning; and yet, sir, it is easy, quite easy, to see why the honorable gentleman has used it in these resolutions. He cannot open the book, and look upon our written frame of Government, without seeing that it is called a *constitution*. This may well be appalling to him. It threatens his whole doctrine of *compact*, and its darling derivatives, *nullification* and *secession*, with instant confutation. Because, if he admits our instrument of Government to be a *constitution*, then, for that very reason, it is not a compact between sovereigns; a constitution of Government, and a compact between sovereign powers, being things essentially unlike in their very natures, and incapable of ever being the same.—Yet the word *constitution* is on the very front of the instrument. He cannot overlook it. He seeks, therefore, to compromise the matter, and to sink all the substantial sense of the word, while he retains a resemblance of its sound. He introduces a new word of his own, viz. *compact*, as importing the principal idea, and designed to play the principal part, and degrades *constitution* into an insignificant, idle epithet, attached to *compact*. The whole then stands as a "*constitutional compact!*" And in this way he hopes to pass off a plausible gloss, as satisfying the words of the instrument; but he will find himself disappointed. Sir, I must say to the honorable gentleman, that, in our American political grammar, CONSTITUTION is a noun substantive; it imports a distinct and clear idea, of itself; and it is not to lose its importance and dignity, it is not to be turned into a poor, ambiguous, senseless, unmeaning adjective, for the purpose of accommodating any new set of political notions.—Sir, we reject his new rules of syntax altogether. We will not give up our forms of political speech to the grammarians of the school of nullification.—By the constitution, we mean not a "*constitutional compact*," but, simply and directly, *the constitution*, the fundamental law; and if there be one word in the language, which the people of the United States understand, this is that word. We know no more of a *constitutional compact* between sovereign powers, than we know of a *constitutional* indenture of copartnership, a *constitutional* deed of conveyance, or a *constitutional* bill of exchange. But we know what the *constitution* is; we know what the plainly written fundamental law is; we know what the bond of our Union and the security of our liberties is; and we mean to maintain and to defend it, in its plain sense and unsophisticated meaning.

The sense of the gentleman's proposition, therefore, is not at all affected, one way or the other, by the use of this word. That proposition still is, that our system of Government is but a *compact* between the people of separate and sovereign States.

Was it Mirabeau, Mr. President, or what other master of the human passions, who has told us that words are things? They are indeed things, and things of mighty influence, not only in addresses to the passions and high-wrought feelings of mankind, but in the discussion of legal and political questions also; because a just conclusion is often avoided, or a false one reached, by the adroit substitution of one phrase, or one word, for another. Of this we have, I think, another example in the resolutions before us.

The first resolution declares that the people of the several States "*acceded*" to the constitution, or to the constitutional compact, as it is called. This word "*accede*," not found either in the constitution itself, or in the ratification of it by any one of the States, has been chosen for use here, doubtless not without a well considered purpose.

The natural converse of *accession* is *secession;* and, therefore, when it is stated that the people of the States *acceded* to the Union, it may be more plausibly argued that they may *secede* from it. If, in adopting the constitution, nothing was done but acceding to a *compact*, nothing would seem necessary, in order to break it up, but to secede from the same compact.—But the term is wholly out of place.—*Accession*, as a word applied to political associations, implies coming into a league, treaty, or confederacy, by one hitherto a stranger to it; and *secession* implies departing from such league or confederacy. The people of the United States have used no such form of expression, in establishing the present Government. They do not say that they *accede* to a league, but they declare that they *ordain* and *establish* a constitution. Such are the very words of the instrument itself; and in all the States, without an exception, the language used by their conventions was, that they "*ratified the constitution;*" some of them employing the additional words "assented to" and "adopted," but all of them "ratifying." There is more importance than may, at first sight, appear, in the introduction of this new word by the honorable mover of these resolutions. Its adoption and use are indispensible to maintain those premises, from which his main conclusion is to be afterwards drawn. But, before showing that, allow me to remark, that this phraseology tends to keep out of sight the just view of our previous political history, as well as to suggest wrong ideas as to what was actually done when the present constitution was agreed to. In 1789, and before this constitution was adopted, the United States had already been in a Union, more or less close, for fifteen years. At least as far back as the meeting of the first Congress, in 1774, they had been, in some measure, and to some national purposes, united together. Before the confederation, of 1781, they had declared independence jointly, and had carried on the war jointly, both by sea and land; and this, not as separate States, but as one people. When, therefore, they formed that confederation, and adopted its articles as articles of perpetual union, they did not come together for the first time; and, therefore, they did not speak of the States as *acceding* to the confederation, although it was a league, and nothing but a league, and rested on nothing but plighted faith for its performance. Yet, even then, the States were not strangers to each other; there was a bond of union already subsisting between them; they were associated, United States; and the object of the confederation was to make a stronger and better bond of union.—Their representatives deliberated together on these proposed articles of confederation, and, being authorized by their repective States, finally "*ratified and confirmed*" them. Inasmuch as they were already in union, they did not speak of *acceding* to the new articles of confederation, but of *ratifying and confirming* them; and this language was not used inadvertently, because, in the same instrument, *accession* is used in its proper sense, when applied to Canada, which was altogether a stranger to the existing Union. "Canada," says the 11th article, "*acceding* to this confederation, and joining in the measures of the United States, shall be admitted into the Union."

Having thus used the terms *ratify and confirm*, even in regard to the old confederation, it would have been strange, indeed, if the people of the United States, after its formation, and when they came to establish the present constitution, had spoken of the States, or of the people of the States, as *acceding* to this constitution. Such language would have been ill suited to the occasion. It would have implied an existing separation or disunion among the States, such as never has existed since 1774. No such language, therefore, was used.—The language actually employed is, *adopt, ratify, ordain, establish.*

Therefore, sir, since any State, before she can prove her right to dissolve the Union, must show her authority to undo what has been done, no State is at liberty to *secede*, on the ground that she and other States have done nothing but *accede*. She must show that she has a right to *reverse* what has been *ordained*, to *unsettle* and *overthrow* what has been *established*, to *reject* what the people have *adopted*, and to *break up* what they have ratified; because these are the terms which express the transactions which have actually taken place. In other words, she must show her right to make a revolution.

If, Mr. President, in drawing these resolutions, the honorable member had confined himself to the use of constitutional language, there would have been a wide and awful *hiatus* between his premises and his conclusion. Leaving out the two words *compact and accession*, which are not constitutional modes of expression, and stating the matter precisely as the truth is, his first resolution would have affirmed that *the people of the several States ratified this constitution, or form of Government.* These are the very words of South Carolina herself, in her own act of ratification. Let, then, his first resolution tell the exact truth; let it state the fact, precisely as it exists; let it say that the people of the several States ratified a constitution, or form of Government; and then, sir, what will become of his inference in his second resolution, which is in these words, viz: "*that, as in all other cases of compact among sovereign parties each has an equal right to judge for itself, as well of the infraction as of the mode and measure of redress?*" It is obious, is it not, sir, that this conclusion requires for its support quite other premises; it requires premises which speak of *accession* and of *compact* between sovereign powers, and, without such premises, it is altogether unmeaning.

Mr. President, if the honorable member will truly state what the people did in forming this constitution, and then state what they must do if they would now undo what they then did, he will unavoidably state a case of revolution. Let us see if it be not so. He must state, in the first place, that the people of the several States adopted and ratified this constitution, or form of Government; and, in the next place, he must state that they have a right to undo this; that is to say, that they have a right to discard the form of Government which they have adopted, and to break up the constitution which they have ratified. Now, sir, this is neither more nor less than saying that they have a right to make a revolution. To reject an established Government, to break up a political constitution, is revolution.

I deny that any man can state, accurately, what was done by the people, in establishing the present constitution, and then state, accurately, what the people, or any part of them, must now do to get rid of its obligations, without stating an undeniable case of the overthrow of Government. I admit, of course, that the people may, if they choose, overthrow the Government. But, then, that is revolution. The doctrine now contended for is, that, by *nullification* or *secession*, the obligations and authority of the Government may be set aside or rejected, without revolution. But that is what I deny; and what I say is, that no man can state the case with historical accuracy, and in constitutional language, without showing that the honorable gentleman's right, as asserted in his conclusion, is a revolutionary right merely; that it does not, and cannot exist, under the constitution, or agreeably to the constitution, but can come into existence only when the constitution is overthrown. This is the reason, sir, which makes it necessary to abandon the use of constitutional language for a new vocabulary, and to substitute, in the place of plain historical facts, a series of assumptions. This is the reason why it is necessary to new names to things, to speak of constitution, not as a constitution, but as a compact, and of the ratifications by the people, not as ratifications, but as acts of accession.

Sir, I intend to hold the gentleman to the written record. In the discussion of a constitutional question, I intend to impose upon him the restraints of constitutional language. The people have ordained a constitution; can they reject it without revolution? They have established a form of Government; can they overthrow it without revolution? These are the true questions.

Allow me now, Mr. President, to inquire further into the extent of the propositions contained in the resolutions, and their necessary consequences.

Where sovereign communities are parties, there is no essential difference between a compact, a confederation, and a league. They all equally rest on the plighted faith of the sovereign party. A league, or confederacy, is but a subsisting or continuing treaty.

The gentleman's resolutions, then, affirm, in effect, that these twenty-four United States are held together only by a subsisting treaty, resting for its fulfilment and continuance on no inherent power of its own, but on the plighted faith of each State; or, in other words, that our Union is but a league; and, as a consequece from this proposition, they further affirm that, as sovereigns are subject to no superior power, the States must decide, each for itself, of any alleged violation of the league; and if such violation be supposed to have occurred, each may adopt any mode or measure of redress which it shall think proper.

Other consequences naturally follow, too, from the main proposition. If a league between sovereign powers have no limitation as to the time of its duration, and contain nothing making it perpetual, it subsists only during the good pleasure of the parties, although no violation be complained of. If, in the opinion of either party, it be violated, such party may say that he will no longer fulfil its obligations on his part, but will consider the whole league or compact at an end, although it might be one of its stipulations that it should be perpetual. Upon this principle, the Congress of the United States, in 1798, declared null and void the treaty of alliance between the United States and France, though it professed to be a perpetual alliance.

If the violation of the league be accompanied with serious injuries, the suffering party, being sole judge of his own mode and measure of redress, has a right to indemnify himself by reprisals on the offending members of the league; and reprisals, if the circumstances of the case require it, may be followed by direct, avowed, and public war.

The necessary import of the resolutions, therefore, is, that the United States are connected only by a league; that it is in the good pleasure of every State to decide how long she will choose to remain a member of this league; that any State may determine the extent of her own obligations under it, and accept or reject what shall be decided by the whole; that she may also determine whether her rights have been violated, what is the extent of the injury done her, and what mode and measure of redress her wrongs may make it fit and expedient for her to adopt. The result of the whole is, that any State may secede at pleasure; that any State may resist a law which she herself may choose to say exceeds the power of Congress; and that, as a sovereign power, she may redress her own grievances, by her own arm, at her own discretion; she may make reprisals, she may cruise against the property of other members of the league; she may authorize captures, and make open war.

If, sir, this be our political condition, it is time the people of the United States understood it. Let us look for a moment to the practical consequences of these opinions. One State, holding an embargo law unconstitutional, may declare her opinion, and withdraw from the Union. *She* secedes. Another, forming and expressing the same judgment on a law laying duties on imports, may withdraw also. *She* secedes. And as, in her opinion, money has been taken out of the pockets of her citizens illegally, under pretence of this law, and as she has power to redress their wrongs, she may demand satisfaction; and, if refused, she may take it with a strong hand. The gentleman has himself pronounced the collection of duties, under existing laws, to be nothing but robbery. Robbers, of course, may be rightfully dispossessed of the fruits of their flagitious crimes; and, therefore, reprisals, impositions on the commerce of other States, foreign alliances against them, or open war, are all modes of redress justly open to the discretion and choice of South Carolina; for she is to judge of her own rights, and to seek satisfaction for her own wrongs, in her own way.

But, sir, a *third* State is of opinion, not only that these laws of impost are constitutional, but that it is the absolute duty of Congress to pass and to maintain such laws; and that, by omitting to pass and maintain them, its constitutional obligations would be grossly disregarded. She relinquished the power of protection, she might allege, and allege truly, herself, and gave it up to Congress, on the faith that Congress would exercise it. If Congress now refuse to exercise it, Congress does, as she may insist, break the condition of the grant, and thus manifestly violate the constitution; and for this violation of the constitution, *she* may threaten to secede also. Virginia may secede, and hold the fortresses in the Chesapeake. The Western States may secede, and take to their own use the public lands. Louisiana may secede, if she choose, form a foreign alliance, and hold the mouth of the Mississippi. If one State may secede, ten may do so—twenty may do so—twenty three may do so, Sir, as these secessions go on, one after another, what is to constitute the United States? Whose will be the army? Whose the navy? Who will pay the debts? Who fulfil the public treaties? Who perform the constitutional guaranties? Who govern this District and the Territories? Who retain the public property?

Mr. President, every man must see that these are all questions which can arise only *after a revolution*. They presuppose the breaking up of the Government. While the constitution lasts, they are repressed; they spring up to annoy and startle us only from its grave.

The constitution does not provide for events which must be preceded by its own destruction. SECESSION, therefore, since it must bring these consequences with it, is REVOLUTIONARY. And NULLIFICATION is equally REVOLUTIONARY. What is revolution? Why, sir, that is revolution, which overturns, or controls, or successfully resists the existing public authority; that which arrests the exercise of the supreme power; that which introduces a new paramount authority into the rule of the State. Now, sir, this is the precise object of nullification. It attempts to supersede the supreme legislative authority. It arrests the arm of the Executive Magistrate. It interrupts the exercise of the accustomed judicial power. Under the name of an ordinance, it declares null and void, within the State, all the revenue laws of the United State. Is not this revolutionary? Sir, so soon as this ordinance shall be carried into effect, *a revolution* will have commenced in South Carolina. She will have thrown off the authority to which her citizens have heretofore been subject. She will have declared her own opinions and her own will to be above the laws, and above the power of those who are entrusted with their administration. If she makes good these declarations, she is revolutionized. As to her, it is as distinctly a change of the supreme power, as the American revolution of 1776. That revolution did not subvert Government in all its forms. It did not subvert local laws and municipal administrations. It only threw off the dominion of a Power, claiming to be superior, and to have a right, in many important respects, to exercise legislative authority. Thinking this authority to have been usurped or abused, the American colonies, now the United States, bade it defiance, and freed themselves from it by means of a revolution. But that revolution left them with their own municipal laws still, and the forms of local Government. If Carolina now shall effectually resist the laws of Congress, if she shall be her own judge, take her remedy into her own hands, obey the laws of the Union when she pleases, and disobey them when she pleases, she will relieve herself from a paramount power as distinctly as the American colonies did the same thing in 1776. In other words, she will acheive, as to herself, a revolution.

But, sir, while practical nullification in South Carolina would be, as to herself, actual and distinct revolution, its necessary tendency must also be to spread revolution, and to break up the constitution, as to all the other States. It strikes a deadly blow at the vital principle of the whole Union. To allow State resistance to the laws of Congress to be rightful and proper, to admit nullification in some States, and yet not expect to see a dismemberment of the entire Government, appears to me the wildest illusion, and the most extravagant folly. The gentleman seems not conscious of the direction or the rapidity of his own course. The current of his opinions sweeps him along, he knows not whither. To begin with nullification, with the avowed intent, nevertheless, not to proceed to secession, dismemberment, and general revolution, is as if one were to take the plunge of Niagara.

(See 4th page.)